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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,353	12/21/2000	Kenneth R. Black	10839-31939	2485

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805 THIRD AVENUE  
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EXAMINER
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KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 03/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No

09/747,353

Applicant(s)

BLACK ET AL.

Examiner

Scott M. Klinger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

Claims 1-7 are pending.

#### ***Priority***

No claim for foreign priority has been made. The effective filing date for the subject matter defined in the pending claims in the application is 21 December 2000.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112 that forms the basis for the rejections under this section made in this Office action:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. It is unclear as to how the steps of claim 1 allow arbitrary protocols to be added or plugged into a middleware-based application without accessing the source code for the middleware. In referring to lines 9-10 on page 48 (“providing a connection bridge for communicating between the protocols and the middleware”), it is unclear as to how a connection bridge can connect an application to a set of rules that govern how two or more applications or devices communicate. In referring to lines 11 and 12 (“said connection bridge obtaining action requests from at least one protocol including a protocol connection identifier”). It is unclear as to how an arbitrary protocol could generate an action request. It is unclear as to what the action request is requesting and where the action would be performed.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. The scope of “does not use the same O/S primitives as any existing internal middleware protocol” is unclear.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. It is unclear as to how the connection bridge would replace the internally supported protocols.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. The scope of “utilizing a synchronization primitive” is unclear.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation " the select O/S primitive" in line 13 on page 49. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant

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for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman (U.S. Patent Number 6,611,862, hereinafter "Reisman"). Reisman discloses user station software that controls transport of content from a remote source. Reisman shows:

In referring to claim 1, as understood,

- Providing a connection bridge for communicating between the protocols and the middleware; said connection bridge obtaining action requests from at least one protocol connection identifier; said connection bridge notifying said middleware that an action request is ready to have an action performed; said connection bridge transferring said protocol connection identifier to said middleware:

*"Referring to FIG. 3, multiple targeted online services 80, can be accessed by a client interface 82 comprising any of multiple graphical user interfaces 84 driving a generic API 86 which works with plug-in translator/communicator modules 88 which are provided to communicate one to each targeted online service 80. Modules 88 mimic the online service's protocols, so as to be essentially indistinguishable from the proprietary interfaces normally used. A communications manager 90 receives input from API 86 and outputs through protocol mapper 92 which selects the appropriate protocol."*

*- Reisman, col. 24, lines 48-58*

In referring to claim 3, as understood,

- Said connection bridge communicating with multiple protocol instances and different types of protocols:

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Reisman, Figure 11, shows multiple instances with different protocols

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Claims 1, 4, and 6, as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Ben-Shachar et al. (U.S. Patent Number 6,209,018, hereinafter "Ben-Shachar"). Ben-Shachar discloses a service framework for a distributed object network system. Ben-Shachar shows:

In referring to claim 1, as understood,

- Providing a connection bridge for communicating between the protocols and the middleware; said connection bridge obtaining action requests from at least one protocol connection identifier; said connection bridge notifying said middleware that an action request is ready to have an action performed; said connection bridge transferring said protocol connection identifier to said middleware:

*"For example, a web browser in the client 80 dispatches an HTTP request to the web server which launches a CGI, NSAPI, or ISAPI plug-in that is a client to the application server (e.g., the server 88). In particular, the plug-in represents a CORBA client that issues a call to the service locator 84 to locate an appropriate service (e.g., a web service). Thus, the application server may be completely isolated from the web server. The plug-in then dispatches the web event to the web service. The application server may provide a service implemented using CORBA objects that are activated (i.e., instantiated) prior to the incoming call for the service provided by the application server. The web service executes the application logic, interacts with one or more data services in the application server, and stores session and state information. The web service returns the result of the web event which is an HTML page back to the web browser in the client 80."*

- Ben-Shachar, col. 9, lines 27-43

In referring to claim 4, as understood,

- Said connection bridge replacing the existing internally supported protocols of the middleware:

*"Alternatively, the web browser can host a JAVA applet or an ActiveX control that connects directly to the application server using the IIOP. Thus, the JAVA applet bypasses the web server and interacts directly with the application server using the IIOP, which may provide improved performance."*

*- Ben-Shachar, col. 9, lines 43-48*

In referring to claim 5, as understood,

- Performing said steps in an object-oriented programming language:

*"In some embodiments, the service framework 76 is implemented as a collection of objects written in JAVA and C++, and the architecture of the service framework 76 is the definition of the collection of objects and the interaction among objects in the collection. In some embodiments, the service framework 76 supports services implemented using C++, JAVA, etc."*

*- Ben-Shachar, col. 5, lines 49-55*

In referring to claim 6, as understood,

- Implementing said connection bridge by utilizing a synchronization primitive and FIFO queue:

*"Accordingly, FIG. 4 illustrates the advantages of providing a service proxy that encapsulates the process of requesting a service. For example, the service proxy implements fault tolerance. In particular, if a client requests a service (e.g., in a wait mode as described further below with respect to FIG. 9) and there are no available workers for the service, the service proxy can*

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*request access to a worker for the service and the request is queued (e.g., in a first in, first out (FIFO) queue)."*

*- Ben-Shachar, col. 11, lines 49-57*

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger  
Examiner  
Art Unit 2153

smk



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